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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,854	09/27/2000	Ikuyo Ikeda	196466US 2	6529
22850	7590	11/30/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRAN, QUOC A	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/669,854

Applicant(s)

IKEDA, IKUYO

Examiner

Quoc A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to Amendment 08/26/2005, with acknowledgement of original filing date of 09/27/2000.
2. Claims 15-24 are currently pending in this application. Claims 15, 18, 21 and 24 are independent claims.

### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. **Claims 15-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Munetomo et al US006661530B1- filed- 11/05/1998 (hereinafter Munetomo), in view of Gaglione et al US006069637A - filed- 07/29/1996 (hereinafter Gaglione).

**In regard to independent claim 15, a dialog device configured to display an image on a screen based on and after receiving the command to print a document as a preview of printing** (Munetomo at col. 1, lines 5-15, discloses a print processing apparatus using a computer system equipped with an application software for editing printing data and a printer driver for setting an operation of a printer, each of the software and the printer driver having a print setting screen, also Munetomo at col. 2, line 55 through col. 3, line 15, discloses a printer driver, which has printing function from a specific to a printer for sending printing data directly

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from an application program to the printer and the display means further displays a print preview image on a particular screen), **an inserting device configured to insert at least one of ...an image ... into the displayed image, wherein the at least one of ...an image ... are assigned on the displayed image on the screen by a user**, (Munetomo at col. 3, line 64 through col. 4, line 11, discloses a print processing apparatus using a computer system equipped with an application software for editing printing data and a printer driver for setting an operation of a printer, wherein a print preview display image on a particular screen that include a means of insertion/removal of a blank page into/from an arbitrary page and designation of face/back side of printing paper for each page can be effected by direct manipulation of the screen for displaying the preview image, which is read in the broadest reasonable interpretation as claimed (i.e.. insertion of a blank page into from an arbitrary page is reasonably equivalent to insert at an image as claimed), **an image forming device configured to form an image by inserting the at least one ...image ... in a position specified by the user on the displayed image on the screen** (Munetomo at col. 3, line 64 through col. 4, line 11, discloses a print processing apparatus using a computer system equipped with an application software for editing printing data and a printer driver for setting an operation of a printer, wherein a print preview display image on a particular screen that include a means of insertion/removal of a blank page into/from an arbitrary page and designation of face/back side of printing paper for each page can be effected by direct manipulation of the screen for displaying the preview image, which is read in the broadest reasonable interpretation as claimed (i.e.. into/from an arbitrary page and designation of face/back side of printing paper for each page can be effected by direct manipulation of the screen for displaying the preview image is reasonably equivalent to insert at

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an image in a position specified by the user on the displayed image on the screen as claimed)

**and a display indicating device configured to display the formed image on the Screen**

(Munetomo at col. 4, lines 5-15, discloses print preview screen wherein user can perform manipulation while observing the preview screen, editing operation of inserting or removing a blank page and confirmation thereof are facilitated).

Munetomo does not explicitly teach, **...to insert at least one of a text... into the displayed image, wherein the at least one of the text, ... are assigned on the displayed image on the screen by a user**, however (Gaglione at col. 7, line 29 through col. 8, line 35 also see figured 7 sheet 7 of 7, discloses a system and method for producing customized images and printing the image, wherein a text entering mode for entering of text that may be provided. This text editing mode has a working screen that includes a first text editing portion wherein the actual text that is being typed in by the operator is displayed in a form that is easy to read and also which clearly describes where text is to be placed, illustrated in FIG. 7, two locations for the placement of text; text A and text B, also provides preview buttons, which represent various operations to be conducted on the order such as but not limited to, product information, image instructions, text on product, required fit editing, preview product, print order), **an image forming device configured to form an image by inserting the at least one of the text... in a position specified by the user on the displayed image on the screen**, however (Gaglione at col. 7, line 29 through col. 8, line 35 also see figured 7 sheet 7 of 7, discloses a system and method for producing customized images and printing the image, wherein a text entering mode for entering of text that may be provided. This text editing mode has a working screen that includes a first text editing portion wherein the actual text that is being typed in by the operator is

displayed in a form that is easy to read and also which clearly describes where text is to be placed, illustrated in FIG. 7, two locations for the placement of text; text A and text B, also provides preview buttons, which represent various operations to be conducted on the order such as but not limited to, product information, image instructions, text on product, required fit editing, preview product, print order).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Munetomo, provided a print processing apparatus using a computer system equipped with application software for editing printing data and a printer driver for setting an operation of a printer, wherein a print preview display image on a particular screen that include a means of insertion image to a designated position, to include a means of producing customized images and printing the image/ text on product, required fit editing, preview product, print order. One of the ordinary skills in the art would have been motivated to perform such a modification to provide a text entering mode for entering of text wherein the actual text that is being typed in by the operator is displayed in a form that is easy to read and also which clearly describes where text is to be placed (as taught by Gaglione at col. 7, lines 29-40).

**In regard to independent claims 18, 21 and 24** incorporate substantially similar subject matter as cited in claim 15 above, and are similarly rejected along the same rationale.

**In regard to dependent claim 16**, incorporate substantially similar subject matter as cited in claim 15 above, and further in view of the following, and is similarly rejected along the same rationale, **reduces the image to be printed and moves the reduced image in up-and-down and right-and-left directions on the screen**, however (Gaglione at col. 8, lines 5-35,

discloses a system and method for producing customized images and printing the image, wherein the editing screen also has many other features, such as format, text on product, required fit editing, preview product, print order, which is read in the broadest reasonable interpretation as claimed, wherein format, required fit editing on a preview screen display is reasonable equivalent to reduced image in up-and-down and right-and-left directions on the screen).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Munetomo, provided a print processing apparatus using a computer system equipped with application software for editing printing data and a printer driver for setting an operation of a printer, wherein a print preview display image on a particular screen that include a means of insertion image to a designated position, to include a means of producing customized images and printing the image/ text on product, required fit editing, preview product, print order. One of the ordinary skills in the art would have been motivated to perform such a modification to provide a text entering mode for entering of text wherein the actual text that is being typed in by the operator is displayed in a form that is easy to read and also which clearly describes where text is to be placed (as taught by Gaglione at col. 7, lines 29-40).

**In regard to dependent claim 19, a computer in which the printer driver program according to claim 18 is installed** (Munetomo at col. 1, lines 5-15, discloses a print processing apparatus using a computer system equipped with an application software for editing printing data and a printer driver for setting an operation of a printer, each of the software and the printer driver having a print setting screen).

**In regard to dependent claim 20, and a printer** (Munetomo at col. 1, lines 5-15, discloses a print processing apparatus using a computer system equipped with an application software for editing printing data and a printer driver for setting an operation of a printer, each of the software and the printer driver having a print setting screen).

**In regard to dependent claim 22**, incorporate substantially similar subject matter as cited in claim 16 above, and is similarly rejected along the same rationale.

5. **Claims 17 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Munetomo et al US006661530B1- filed- 11/05/1998 (hereinafter Munetomo), in view of Gaglione et al US006069637A - filed- 07/29/1996 (hereinafter Gaglione), further on view of Hansen et al US patent No. 6,462,756 B1 - filed 05/17/2000 (hereinafter Hansen).

**In regard to dependent claim 17**, incorporate substantially similar subject matter as cited in claim 15 above, and further in view of the following, and is similarly rejected along the same rationale,

Munetomo and Gaglione do not explicitly teach, **the combined image is edited by a drag and drop operation**, however (Hansen at col. 9, lines 24-40, discloses a GUI interface, wherein document can be collectively "objects" are visually represented on the workstation display, such as with icons, tree structures and pull-down menus, and may be interacted with using known devices and methods such as utilizing a mouse or track ball to control a visually represented pointing device which is then used to click, select, drag and drop the displayed representations).



It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Munetomo, provided a print processing apparatus using a computer system equipped with application software for editing printing data and a printer driver for setting an operation of a printer, wherein a print preview display image on a particular screen that include a means of insertion image to a designated position, to include a means of producing customized images and printing the image/ text on product, required fit editing, preview product, print order, and further include a means of interacted with using known devices and methods such as utilizing a mouse or track ball to control a visually represented pointing device which is then used to click, select, drag and drop the displayed representations . One of the ordinary skills in the art would have been motivated to perform such a modification to provide a print image forming device that capable of producing high quality document and the ability to manipulate the original document plus the instruction for producing the finishing product to transmitted to a printer, (as taught by Hansen at col. 1, lines 15-45).

**In regard to dependent claim 23**, incorporate substantially similar subject matter as cited in claim 17 above, and is similarly rejected along the same rationale.

### ***Response to Argument***

6. Applicant's Remark filed 08/26/2005 have been fully considered but they are not persuasive. Applicant argues the rejection under 35 USC 103, Obviousness (see Remarks, pages 2-6). To concisely address the elaborate arguments presented, the Examiner respectfully disagrees for the detailed reasons stated in the rejection of each claim limitation previously

presented in Office Action mail date 07/13/2005 (please see rejections for detail). In further support of the previous Office Action, please note the following:

Additionally, the main thrust of the applicant's argument is Munetomo, Gaglione and Hansen are not properly combined and do not teach, **insert at least one of the text, an image, and a graphic into a display image.**

Examiner Using the broadest reasonable interpretation of the claims, Munetomo reference teaches and/or suggests all limitations of independent claims 15, 18, 21 and 24 but **insert at least one of the text, an image, and a graphic into a display image**, however (Gaglione at col. 7, line 29 through col. 8, line 35 also see figured 7 sheet 7 of 7, discloses a system and method for producing customized images and printing the image, wherein a text entering mode for entering of text that may be provided. This text editing mode has a working screen that includes a first text editing portion wherein the actual text that is being typed in by the operator is displayed in a form that is easy to read and also which clearly describes where text is to be placed, illustrated in FIG. 7, two locations for the placement of text; text A and text B, also provides preview buttons, which represent various operations to be conducted on the order such as but not limited to, product information, image instructions, text on product, required fit editing, preview product, print order, also Gaglione at col. 4, line 1 through col. 5 line 40 also see figured 1, discloses CPU ( item 10) connected to a variety of output devices, wherein these output devices are all appropriately connected to the central processing unit 10 by an appropriate data link system 13 as is well known in the prior art. The out put devises provided image processing product by Eastman Kodak Company such as PCD 600 Printer, electro photographic printer, a thermal printer, etc, which takes the digital image and transfers the image

onto media which can then be used to produce transfers for use on garments, on a photographic paper, on T-shirts, on mugs and Various other devices may be provided for transferring onto various other formats such as, garments, mugs, posters, banners, life size cut-outs, holographic and 3-D imaging, balloons, pens and pencils) Examiner read the above in the broadest reasonable interpretation, wherein insert at least one of the text, an image, and a graphic into a display image would have been an obvious variant of a text entering mode for entering of text that may be provided, to a person of ordinary skill in the art at the time the invention was made. It is also obvious to a person of ordinary skill in the art at the time the invention was made to appreciate that printers in general and particularly Eastman Kodak printers usually embedded with the printer driver to perform all the features that described above.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Munetomo, provided a print processing apparatus using a computer system equipped with application software for editing printing data and a printer driver for setting an operation of a printer, wherein a print preview display image on a particular screen that include a means of insertion image to a designated position, to include a means of insert at least one of the text, an image, and a graphic into a display image of Eastman Kodak printers of Gaglione . One of the ordinary skills in the art would have been motivated to perform such a modification to provide a text entering mode for entering of text wherein the actual text that is being typed in by the operator is displayed in a form that is easy to read and also which clearly describes where text is to be placed (as taught by Gaglione at col. 7, lines 29-40).

As for Hansen reference, Examiner Using the broadest reasonable interpretation of the claims 17 and 23, which incorporate substantially similar subject matter as cited in claim 15 above (e.g. **insert at least one of the text, an image, and a graphic into a display image**-see above for detail rejection and responses to remark that cited above), and further in view of the combined image is edited by a drag and drop operation (see above rejection for detail). Since Munetomo, Gaglione and Hansen each discloses printing (processing, products, and production printing workflow). It is obvious to a person of ordinary skill in the art at the time the invention was made to appreciate that printers in general embedded with the printer driver to perform all the features that described above. Thus they are discloses printer, printer driver and some type of user interface and are proper to combined for various advantages that discloses above.

There for the rejection of independent claims 15, 18, 21 and 24 are deemed to be proper at least for above the reason at this time.

Regarding dependent claims 16-17, 19-20 and 22-23, are rejected for fully incorporating the dependencies of their respective base claim.

### ***Conclusion***

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 11AM to 7PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Quoc A. Tran  
Patent Examiner  
Technology Center 2176  
November 25, 2005

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
11/26/2005